



January 28, 2005

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## SENATE BILL No. 420

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DIGEST OF SB 420 (Updated January 26, 2005 12:44 pm - DI 104)

**Citations Affected:** IC 12-17.2.

**Synopsis:** Child care supervision. Prohibits the inclusion of a child care provider's address on the division of family and children's Internet website. Allows for either emergency lighting or illuminated exit signs in Class I and Class II child care homes. Specifies situations that meet the state requirement of continuous supervision for child care homes.

**Effective:** July 1, 2005.

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January 13, 2005, read first time and referred to Committee on Health and Provider Services.  
January 27, 2005, amended, reported favorably — Do Pass.

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SB 420—LS 7762/DI 109+



January 28, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 420

A BILL FOR AN ACT to amend the Indiana Code concerning children.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 12-17.2-2-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The division shall  
3 perform the following duties:

4 (1) Administer the licensing and monitoring of child care centers  
5 or child care homes in accordance with this article.

6 (2) Ensure that a national criminal history background check of  
7 the applicant is completed through the state police department  
8 under IC 5-2-5-15 before issuing a license.

9 (3) Ensure that a criminal history background check of a child  
10 care ministry applicant for registration is completed before  
11 registering the child care ministry.

12 (4) Provide for the issuance, denial, suspension, and revocation of  
13 licenses.

14 (5) Cooperate with governing bodies of child care centers and  
15 child care homes and their staffs to improve standards of child  
16 care.

17 (6) Prepare at least biannually a directory of licensees with a

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description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.

(7) Deposit all license application fees collected under section 2 of this chapter in the child care fund.

(8) Require each child care center or child care home to record proof of a child's date of birth before accepting the child. A child's date of birth may be proven by the child's original birth certificate or other reliable proof of the child's date of birth, including a duly attested transcript of a birth certificate.

(9) Provide, not later than January 1, 2004, an Internet site through which members of the public may obtain the following information:

(A) Information concerning violations of this article by a licensed child care provider, including:

- (i) the identity of the child care provider;
- (ii) the date of the violation; and
- (iii) action taken by the division in response to the violation.

(B) Current status of a child care provider's license.

(C) Other relevant information.

**The Internet site may not contain the address of the child care center or the child care home. However, the site may include the county in which the child care provider is located.**

SECTION 2. IC 12-17.2-5-6.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.3. (a) To qualify for a license to operate a class I child care home under this chapter, a person must do the following:

(1) Provide documentation to the division that the licensee has received a high school diploma or a high school equivalency certificate as described in IC 12-14-5-2.

(2) Provide documentation to the division that the licensee:

(A) has completed;

(B) is enrolled in; or

(C) agrees to complete within the next three (3) years;

a child development associate credential program or a similar program approved by the division.

The division may grant a waiver or variance of the requirement under subdivision (2).

(b) A class I child care home may serve a school age child during a break in the school year that exceeds four (4) weeks if the following conditions are met:

(1) The school age child:

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- 1 (A) was in the home part time during the four (4) months
- 2 preceding the break; or
- 3 (B) has a sibling attending the child care home.
- 4 (2) The child care home meets the following requirements:
- 5 (A) Provides at least thirty-five (35) square feet for each child.
- 6 (B) Maintains the child to staff ratio required under rules
- 7 adopted by the division for each age group of children in
- 8 attendance.
- 9 (C) Provides age appropriate toys, games, equipment, and
- 10 activities for each age group of children enrolled.
- 11 (D) If the licensee does not reside in the child care home, the
- 12 child care home has:
- 13 (i) at least two (2) exits that comply with the exit
- 14 requirements for an E-3 building occupancy classification
- 15 under the Indiana building code adopted by the fire
- 16 prevention and building safety commission; **and**
- 17 (ii) an illuminated exit sign over each required exit ~~and or~~
- 18 ~~(iii)~~ emergency lighting for each required exit.
- 19 (3) The licensee for the child care home has maintained a class I
- 20 child care home license for at least twelve (12) children:
- 21 (A) for at least one (1) year; and
- 22 (B) without any citations for noncompliance.
- 23 SECTION 3. IC 12-17.2-5-6.5 IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) To qualify for
- 25 a license to operate a class II child care home under this chapter, a
- 26 person must do the following:
- 27 (1) Provide all child care services on the first story of the child
- 28 care home unless the class II child care home meets the
- 29 exceptions to the first story requirements contained in the Indiana
- 30 building code adopted by the fire prevention and building safety
- 31 commission in effect at the time the class II child care home
- 32 provider applies for licensure.
- 33 (2) Provide a smoke detection system that is:
- 34 (A) hard wired to the building's electrical system; and
- 35 (B) wired in a manner that activates all of the detector devices
- 36 in the building when one (1) detector device is activated.
- 37 (3) Provide a fire extinguisher in each room that is used to
- 38 provide child care services.
- 39 (4) Meet:
- 40 (A) the exit requirements for an E-3 building occupancy
- 41 classification under the Indiana building code adopted by the
- 42 fire prevention and building safety commission, **except for**

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1           **any illumination requirements**, in effect at the time the class  
 2           II child care home provider **initially** applies for licensure; and  
 3           **(B) the illumination requirements established in section**  
 4           **6.3(b)(2)(D) of this chapter.**

5           (5) Provide a minimum of thirty-five (35) square feet for each  
 6           child.

7           (6) Conduct fire drills required under article 37 of the Indiana fire  
 8           prevention code adopted by the fire prevention and building  
 9           safety commission in effect at the time the class II child care  
 10          home provider applies for licensure.

11          (7) Apply for a license before July 1, 1996, or after June 30, 2001.

12          (8) Comply with rules adopted by the division of family and  
 13          children for class II child care homes.

14          (b) To qualify for a license to operate a class II child care home  
 15          under this chapter, a person, before applying for the license, must have:

16           (1) a class I child care home license; or

17           (2) at least one (1) year of experience as a caregiver in a child  
 18           care home or child care center.

19          SECTION 4. IC 12-17.2-5-17.5 IS AMENDED TO READ AS  
 20          FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.5. A licensee shall  
 21          ensure that a child in the licensee's care is continually supervised by a  
 22          caregiver **as follows:**

23           (1) **For a child who is less than eight (8) months of age, the**  
 24           **child must be in the caregiver's hearing and line of sight at all**  
 25           **times.**

26           (2) **For a child who is at least eight (8) months of age but less**  
 27           **than two (2) years of age, the child must be in the caregiver's**  
 28           **line of sight at all times, except that:**

29            (A) **the child may be asleep outside the caregiver's line of**  
 30            **sight as long as the caregiver can hear the child; and**

31            (B) **the caregiver may attend to personal needs for not**  
 32            **more than five (5) minutes as long as the caregiver assures**  
 33            **for the safety of the child during that time.**

34           (3) **For a child who is less than five (5) years of age, the child**  
 35           **may not be left inside the premises or outside the premises**  
 36           **while in the care of the caregiver without supervision by the**  
 37           **caregiver.**

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## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 420, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-17.2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The division shall perform the following duties:

- (1) Administer the licensing and monitoring of child care centers or child care homes in accordance with this article.
- (2) Ensure that a national criminal history background check of the applicant is completed through the state police department under IC 5-2-5-15 before issuing a license.
- (3) Ensure that a criminal history background check of a child care ministry applicant for registration is completed before registering the child care ministry.
- (4) Provide for the issuance, denial, suspension, and revocation of licenses.
- (5) Cooperate with governing bodies of child care centers and child care homes and their staffs to improve standards of child care.
- (6) Prepare at least biannually a directory of licensees with a description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.
- (7) Deposit all license application fees collected under section 2 of this chapter in the child care fund.
- (8) Require each child care center or child care home to record proof of a child's date of birth before accepting the child. A child's date of birth may be proven by the child's original birth certificate or other reliable proof of the child's date of birth, including a duly attested transcript of a birth certificate.
- (9) Provide, not later than January 1, 2004, an Internet site through which members of the public may obtain the following information:
  - (A) Information concerning violations of this article by a licensed child care provider, including:
    - (i) the identity of the child care provider;
    - (ii) the date of the violation; and

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- (iii) action taken by the division in response to the violation.
- (B) Current status of a child care provider's license.
- (C) Other relevant information.

**The Internet site may not contain the address of the child care center or the child care home. However, the site may include the county in which the child care provider is located."**

Page 2, between lines 24 and 25, begin a new paragraph and insert:  
 "SECTION 3. IC 12-17.2-5-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) To qualify for a license to operate a class II child care home under this chapter, a person must do the following:

- (1) Provide all child care services on the first story of the child care home unless the class II child care home meets the exceptions to the first story requirements contained in the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.
- (2) Provide a smoke detection system that is:
  - (A) hard wired to the building's electrical system; and
  - (B) wired in a manner that activates all of the detector devices in the building when one (1) detector device is activated.
- (3) Provide a fire extinguisher in each room that is used to provide child care services.
- (4) Meet:
  - (A) the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission, **except for any illumination requirements**, in effect at the time the class II child care home provider **initially** applies for licensure; and
  - (B) **the illumination requirements established in section 6.3(b)(2)(D) of this chapter.**
- (5) Provide a minimum of thirty-five (35) square feet for each child.
- (6) Conduct fire drills required under article 37 of the Indiana fire prevention code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.
- (7) Apply for a license before July 1, 1996, or after June 30, 2001.
- (8) Comply with rules adopted by the division of family and children for class II child care homes.

(b) To qualify for a license to operate a class II child care home under this chapter, a person, before applying for the license, must have:

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- (1) a class I child care home license; or
- (2) at least one (1) year of experience as a caregiver in a child care home or child care center."

Page 2, line 26, delete "(a)".

Page 2, line 28, delete "." and insert "as follows:

**(1) For a child who is less than eight (8) months of age, the child must be in the caregiver's hearing and line of sight at all times.**

**(2) For a child who is at least eight (8) months of age but less than two (2) years of age, the child must be in the caregiver's line of sight at all times, except that:**

**(A) the child may be asleep outside the caregiver's line of sight as long as the caregiver can hear the child; and**

**(B) the caregiver may attend to personal needs for not more than five (5) minutes as long as the caregiver assures for the safety of the child during that time.**

**(3) For a child who is less than five (5) years of age, the child may not be left inside the premises or outside the premises while in the care of the caregiver without supervision by the caregiver."**

Page 2, delete lines 29 through 33.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 420 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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